

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

LIFE IS GOOD, INC.,

Plaintiff,

vs.

LG ELECTRONICS U.S.A., INC.,
and LG INFOCOMM U.S.A., INC.,

Defendants.

Videotaped deposition of JASON LEE, taken on
behalf of Plaintiff, at 10101 Old Grove Road, San
Diego, California, beginning at 9:32 a.m. and
ending at 2:13 p.m. on Tuesday, November 29, 2005,
before ANELA SHERADIN, RPR, Certified Shorthand
Reporter No. 9128.

Exhibit 4 to Awdeh
Declaration

1 Q And what have you done to familiarize yourself
2 with the information requested in this Schedule A?

3 A I have -- I'm sorry, can you -- can you repeat
4 the question?

5 Q Sure. Have you done anything to become
6 knowledgeable about these various topics on Schedule A?

7 A I -- I talked to -- I talked to some of the
8 people to get educated about the matters on this, yes.

9 Q Okay. Who did you speak to?

10 A I talked to the head of the customer center in
11 Huntsville.

12 Q In where?

13 A Huntsville, Alabama.

14 Q In Huntsville, Alabama. Okay.

15 And what did you discuss?

16 A What I asked her if she's got any -- any calls
17 or emails or -- regarding any kind of matters about Life
18 is Good.

19 Q The plaintiffs?

20 A Yes.

21 Q What did she say?

22 A She said there is none.

23 Q Okay. What else did you do?

24 A I'm sorry?

25 Q Who else did you speak to?

1 A I talked to the person who handles promotional
2 items.

3 Q Okay. Who's that?

4 A She's Lewis Jones, in the marketing department
5 of LG MobileComm.

6 Q Lois Jones?

7 A Lewis Jones.

8 Q That's a male?

9 A No, she; female.

10 Q And her name is Lewis?

11 A Lewis Jones.

12 Q Okay. That's unfortunate.

13 And what did you discuss with Lewis?

14 A Same thing. I asked her if she has any -- any
15 calls or emails or -- regarding any kind of matter about
16 Life is Good, because she handles promotional items.

17 Q And what was the result of that conversation?
18 What did she say?

19 A She said no, none.

20 Q Okay. Did you speak to anyone else concerning
21 the topics on Schedule A?

22 A I talked to Carrie Hanson. She's -- she's a
23 member of the marketing department. And she talked to
24 the sales people on a daily basis, and I asked her the
25 same question and she said none.

1 Q No confusion?

2 A No confusion, no concerns, no emails, no calls
3 from the field.

4 Q Over what period of time -- when did you make
5 these phone calls -- well, let me take a step back. You
6 spoke to the Huntsville person by telephone?

7 A By telephone, yes.

8 Q How many times with regard to this matter?

9 A About this matter it was two times.

10 Q Okay. And when was that?

11 A It was about -- about two weeks ago. Two or
12 three weeks ago.

13 Q Okay.

14 A On the phone call.

15 Q And when did you speak to Lewis Jones?

16 A It's about the same time frame.

17 Q Okay. And was that in person or over the
18 phone?

19 A That's in person.

20 Q Okay. Does she -- does she work here?

21 A Yes.

22 Q Okay. Here in San Diego?

23 A That's correct.

24 Q Okay. And Carrie Hanson, where does she work?

25 A She works here.

1 Q Okay.

2 A In San Diego.

3 Q And when did you speak to her?

4 A That was just a couple of -- maybe about a week
5 ago.

6 Q Okay. And did you speak to anybody else about
7 the topics on Schedule A?

8 A I'm sorry?

9 Q Did you speak to anyone else regarding the
10 topics concerning Schedule A?

11 A Anyone else?

12 No.

13 Q Okay. So you were doing an investigation to
14 see if there was any actual confusion with plaintiff
15 Life is Good versus LG's use of Life's Good; is that
16 what you were doing?

17 A I'm sorry, can you repeat the question?

18 Q Sure. What you're -- is it fair to say the
19 reason you spoke to these three people is to investigate
20 whether or not there was any actual confusion between
21 plaintiff Life is Good and defendant -- defendants' use
22 of Life's Good; is that true?

23 A Any -- any concerns or any -- well, including
24 conflicts, any matters.

25 Q Okay. Did you speak to anybody else about any

1 Q Many stores?

2 A Many stores.

3 Q Every --

4 A There are a couple of stores in San Diego.

5 Q Have you -- when you travel, do you try to go
6 to a cell phone store to see how the products are
7 displayed?

8 A I did.

9 Q Okay. Have you ever seen Life's Good in any of
10 these stores?

11 A In the stores that I went, no.

12 Q Does Life's Good appear in any of the product
13 literature that comes with the cell phones that goes to
14 the ultimate consumer?

15 A The literature? That I don't -- I don't know.
16 I'm not -- I'm not a hundred percent sure.

17 Q Have you seen any one use the words "Life is
18 Good" in connection with the cell phones?

19 A No.

20 Q Now, we talked about actual confusion very
21 early on in the deposition. Your testimony was you
22 spoke to three different people who reported back to you
23 that they had not heard of Life is Good in call centers
24 and elsewhere. Did you ask these people what they did
25 to make a determination as to whether or not there were

1 inquiries about Life is Good to LG MobileComm?

2 A I asked them to collect or pull out from old
3 emails, calls, and they make the calls to the people who
4 they know and, you know, I asked them to make -- make
5 the best they can do to -- to get the data on that and
6 they said they did.

7 Q And so they reported back that they did?

8 A Yes.

9 Q Okay. Have you heard from any other source
10 about any confusion between the Life is Good brand or
11 Life is Good products and LG and its use of Life's Good?

12 A No, I haven't.

13 Q Did you send an email to all of the employees
14 of LG MobileComm to ask them whether or not they were
15 aware of any instances of actual confusion?

16 A Did I send an email to all of the employees?

17 Q Yeah, to all employees --

18 A No, I didn't.

19 Q -- to see if any -- did you make any efforts to
20 find out if there had been any actual confusion at the
21 retailer level, that is, the wireless carriers' stores?

22 A That -- that's what I did. I mean I asked the
23 person who's in the marketing department who talked to
24 sales people on a daily basis.

25 Q Okay. And -- and you didn't hear -- do you

1 know if anybody spoke to anybody from the actual
2 retailers rather than the sales people?

3 A Well, that's -- that's what I asked and I
4 believe they did. They asked store people.

5 Q WPP Team LG, do you know who -- was the --
6 there a head person for WPP Team LG?

7 A Back then?

8 Q Yes.

9 A 2003?

10 Q Yeah, as of October 2003.

11 A WPP Team LG, the head.

12 No, I don't. I don't recall.

13 Q You don't recall the name. Do you recall
14 anybody's name over at WPP LG that you deal with?

15 A WPP Team LG. There was -- I don't -- there was
16 one person who oversees all of the divisions, the
17 accounts. I don't -- I don't recall the name right now,
18 but I -- I -- yeah, there was one man -- male.

19 Q Who was -- who was your contact at -- what's
20 the ad agency's name today?

21 A Brand Buzz.

22 Q Brand Buzz. Who's your contact there?

23 A Brand Buzz. Cara O'Neal.

24 Q Cara O'Neal?

25 A Yes.